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MICHAEL CURTIS KOZY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MICHAEL CURTIS KOZY (1) ELIZABETH ANN LYONS-HINES (2), Defendants.	Case No. 07CR3027-LAB Date: December 17, 2007 Time: 2:00 p.m. **NOTICE OF MOTION AND MOTION FOR JOINDER IN CO-DEFENDANT'S MOTIONS TO:** (1) PRECLUDE THE PROSECUTION FROM PROCEEDING UNDER AN AIDING AND ABETTING THEORY ON ANY OF THE COUNTS; (2) SEVERE MR. KOZY'S TRIAL FROM MS. LYONS-HINES' TRIAL TO AVOID UNFAIR PREJUDICE; (3) COMPEL DISCOVERY/ PRESERVE EVIDENCE; (4) PRESERVE AND REWEIGH NARCOTICS EVIDENCE; (5) DISMISS THE INDICTMENT DUE TO MISINSTRUCTION OF THE GRAND JURY; (6) SUPPRESS MR. KOZY'S STATEMENTS PURSUANT TO MIRANDA AND 18 U.S.C. § 3501; (7) GRANT LEAVE TO FILE FURTHER MOTIONS.

TO: KAREN P. HEWITT, UNITED STATES ATTORNEY; and LUELLA CALDITO, ASSISTANT UNITED STATES ATTORNEY:

PLEASE TAKE NOTICE that on the above-stated date and time or as soon thereafter as counsel may be heard, the defendant in the above-entitled case, Michael Curtis Kozy, by and through his attorney of record, Robert E. Boyce, will move this Court to grant the motion to join in the motions of co-defendant Elizabeth Ann Lyons-Hines to

(1) preclude the prosecution from proceeding under an aiding and abetting theory on any of the counts;

(2) severe Mr. Kozy's trial from Ms. Lyons-Hines' trial to avoid unfair prejudice;

(3) compel discovery/preserve evidence;

(4) preserve and reweigh narcotics evidence;

(5) dismiss the indictment due to misinstruction of the grand jury;

(6) suppress Mr. Kozy's statements pursuant to *Miranda* and 18 U.S.C. § 3501; and

(7) requests leave to file further motions.

MOTION FOR JOINDER IN CO-DEFENDANT'S MOTIONS

The defendant, Michael Curtis Kozy, by and through his counsel of record, Robert E. Boyce, pursuant to the Fifth and Sixth Amendments to the United States Constitution, Rules 12 and 16 of the Federal Rules of Criminal Procedure, and all other applicable rules and statutes, moves this Court to join in the motions filed by co-defendant Elizabeth Ann Lyons-Hines.

This motion is based upon the instant motion, notice of motion, the memorandum of points and authorities in support thereof filed on behalf of the co-defendant, the files and records in the above-entitled case, and any and all other materials which may be brought to this Court's attention prior to or at the time of the hearing on this motion.

MOTION FOR LEAVE TO FILE ADDITIONAL MOTIONS

Defense counsel requests permission to file further motions based upon case developments and additional discovery.

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CONCLUSION

For the foregoing reasons, Mr. Kozy respectfully requests that this Court grant the above requested motion for joinder and leave to file further motions.

Respectfully submitted,

Dated: December 6, 2007

/s/ Robert E. Boyce
ROBERT E. BOYCE
Attorney for Defendant
MICHAEL CURTIS KOZY